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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,915	08/31/2001	Hitoshi Ozawa	1614.1185	8125

21171 7590 12/27/2005

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EXAMINER

HAN, QI

ART UNIT PAPER NUMBER

2654

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/942,915	OZAWA ET AL.	
	Examiner	Art Unit	
	Qi Han	2654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

2. This communication is responsive to the applicant's amendment filed on 09/27/2005.

The examiner withdraws the disclosure objections a-b, d and f, because applicant amended and/or clarified the specification. However, the disclosure objections c. ii) and e. are still in question (see objection below).

The examiner withdraws the claim rejection under 35 USC 112 1st regarding the issue of not claiming critical or essential subject matter (see the previous office action, page 5), because applicant argued that using the “normal dictionary” “is implied by the claims 1-5” and “those of skill in the art would know...” (the amendment: page 8, paragraphs 1-2). It is reminded that the argument would be treated as an admitted prior art used for possible future rejection.

The examiner withdraws the claim rejection under 35 USC 112 2nd regarding the indefinite term, because applicant clarified the term (the amendment: page 8, paragraphs 3-5).

Response to Arguments

3. Applicant's arguments filed on 09/27/2005 with respect to rejection of claims 1-5 under 35 USC 112 1st, regarding the scope of claimed terms, have been fully considered but they are not persuasive.

It is noted that the recitation and references from the specification (amendment: page 7, paragraphs 5-7), provides evidence to support the examiner's opinion that "the whole application is only focused on processing **text-based** data". It should be pointed out that the argue term "variables", in this case, are the variables standing for text (words, part of text), which is still within the scope of the text-based data (or text data). Therefore, the argument of "thus neither the specification nor the claimed invention is focused on processing text based data..." is not persuasive. Further, applicant silenced about examiner's statement that 'the term "translation-example information" can be interpreted as image or speech information...which is not disclosed in the specification'.

Specification and drawings

4. The disclosure is objected to because of the following:
 - (a) In Figs. 8-9, regarding the steps S35 and S37 of "Does word class of (the)(in S37) differing portion of original match Jth portion of translated text?", it is unclear that what difference is between two steps S35 and S37 (they are almost identical). Appropriate correction is required.
 - (b) On page 11, lines 13-17, it appears incrementing $J=J+1$ first, and then implementing step S37. However, the Fig. 9, shows processing S37 first and then processing $J=J+1$, which conflict each other. Appropriate correction is required.
 - (c) Relating to Fig. 3 and Figs. 6-10, according the specification, Fig. 3 shows the principle structure (page 6, lines 22-29) and Figs. 6-10 show the process (page 11, lines 30-32), for the claimed invention. It appears that the both disclosed structure and process

are for generating new translation-example dictionary, but a notable difference is that the process uses “normal dictionary” (Fig. 9) and the structure does not (Fig.3), which is inconsistent between the structure and process disclosures. In addition, the argument (see amendment: page 6, last paragraph) suggests that the normal dictionary is a necessary element of the invention, even though it “may not completely determined by the normal dictionary”. Therefore, in order to keep consistence between structure and process disclosures, appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 1-5 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for “text data” (specification: page 7, lines 1-2 and Figs 4-5 and 13), does not reasonably provide enablement for “translation-example information”. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

It is noted that, as broadest reasonable interpretation, the terms “translation-example information” can be interpreted as image or speech information that may further be “translated” with “dictionary(ies)”, which is not disclosed in the specification, so that it cannot enable one skilled in the art to make and use the claimed invention without undue experimentation, based on the disclosure. Even though the specification includes the terms “translation-example information”, the whole application is only focused on processing **text-based** data, which has different scope from the much broader scope of the terms “translation-example information”.

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For overcoming the rejection and better reflecting the disclosure, the examiner suggests replacing the limitation with “text-based translation-example information”.

6. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 3, the limitations “said step a)” and “said step b)” lack sufficient antecedent basis in the claim.

It is also noted that the claims has no specific component for performing a translation operation, even through the preamble recites “for translating an original text into a translated text”. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over NII et al. (5,659,765).

As per **claim 1**, as best understood in view of rejection under 35 USC 112 1st (see above), NII teaches ‘machine translation system’ (title), comprising:

“a) comparing first translation-example information and another first translation-example information to detect if there is any differing portion” (col. 6, lines 39-42, ‘comparing an original (first translation-example information) with a translation example (another first translation-example information) similar to the original sentence in units of parts’; col. 11, lines 17-20, ‘if ...includes a word which is not recorded...(corresponding to detect if there is any difference portion)’);

“b) specifying a word class of each of differing portions, [if any, detected in said step 15 a)]”, (col. 13, lines 16-42, ‘information associated with grammatical analysis of each part’; col. 13, line 63 to col. 14, lines 8, ‘the English sentence...can be decomposed (specified) into English morphemes as pairs of words and parts of speech (word class)’);

“c) generating variables by linking said at least one differing portion [detected in said step a)] and said word class specified in said step b) so as to create second translation-example information” (col. 11, lines 56-59, ‘a corresponding bilingual correspondence sentence number (interpreted as variables) and key data (interpreted as variables) are also recorded (generated) on ...database’; Figs. 8A-8B and col. 12, lines 19-65, ‘sentence number 3446 (variable)’, ‘parts information ...represents the original number (can also be interpreted as variable)’, ‘automatically link the English and Japanese sentences...in units of parts (parts linking)’, ‘linking of non-linked parts is performed by the operator’; Fig. 10 and col. 13, lines 63-65, ‘word link information 122’ and ‘parts link information 126’ (corresponding to second translation-example information), ‘the English morphemes and the Japanese morphemes are constituted by information such as words and parts of speech’); and

“d) registering said second translation-example information into said translation-example dictionary” (col. 11, lines 32-33, ‘the operator records (registers) the non-recorded words’; col. 12, lines 30-39, ‘the bilingual correspondence learning section...to automatically link the ...sentence in units of parts’ ‘the two parts are recorded (registered), as a bilingual correspondence, on the bilingual correspondence parts analysis dictionary 55’; col. 13, lines 12-14...’).

But, NII does not expressly disclose specifying a word class of the detected different portions in step b) and linking at least one of the portion and the specified word class in step c). However, the feature of using grammatical analysis of each parts and parts link information (NII: col. 13, lines 16-18) and decomposing sentence into morphemes as pairs of (linking) words and parts of speech (word class) (NII: col. lines 63-67, Figs. 2 and 10) is well known in the art as evidenced by NII himself. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide grammatical analysis of each parts and parts link information by using pairs of (linking) words and parts of speech (word class) for the non-recorded words (different portions) as the other words processed by NII, for the purpose (motivation) of improving the translation ability and quality (NII: col. 3, lines 31-35).

As per **claim 2** (depending on claim 1), NII further teaches “recording a number of portions expressed as variables in said translation-example dictionary” (col. 12, line 49 to col. 13, line 9, ‘ordinal numbers (variables)...thereby linking the parts’ and ‘these parts (ordinal numbers and words) are recorded on the bilingual correspondence parts analysis dictionary 55; Figs. 8A-8B and 10).

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As per **claim 3**, as best understood in view of rejection under 35 USC 112 1st and 2nd (see above), it recites a computer program product. The rejection is based the same reason described for claim 1, because the claim recites the same or similar limitations as claim 1.

As per **claim 4**, it recites an apparatus with mean plus function. The rejection is based the same reason described for claim 1, because the claim recites the same or similar limitations as claim 1.

As per **claim 5**, it recites a computer readable medium storing program code. The rejection is based the same reason described for claim 1, because the claim recites the same or similar limitations as claim 1.

Conclusion

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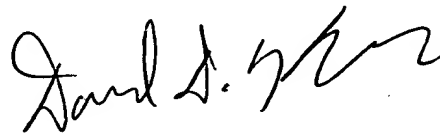
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qi Han whose telephone numbers is (571) 272-7604. The examiner can normally be reached on Monday through Thursday from 9:00 a.m. to 7:00 p.m. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil, can be reached on (571) 272-7602.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Inquiries regarding the status of submissions relating to an application or questions on the Private PAIR system should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028 between the hours of 6 a.m. and midnight Monday through Friday EST, or by e-mail at: ebc@uspto.gov. For general information about the PAIR system, see <http://pair-direct.uspto.gov>.

QH/qh

December 13, 2005

A handwritten signature in black ink, appearing to read "David D. Knepper", with a stylized flourish at the end.

DAVID D. KNEPPER
PRIMARY EXAMINER